

EXHIBIT D



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January 7, 2022

VIA EMAIL

Joshua Berman, Esq.
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Re: *The Export-Import Bank of the Republic of China v. Republic of the Congo*,
Case No. 16-cv-4480 (JMF)

Dear Joshua:

I refer to the court conference on Wednesday, January 5, 2022, concerning Ivanhoe Mines US LLC (“Ivanhoe US”)’s motion to quash the third-party subpoena of Export-Import Bank of the Republic of China (“Ex-Im Bank”).

You stated there that Ivanhoe US does not have custody or control over any documents responsive to the subpoena. Thus, the arguments set forth in your motion—arguments which we utterly reject—would seem to be moot, requiring no “meet and confer.” Ivanhoe US should formally respond to the subpoena, certifying that it has neither custody nor control over any responsive documents. If that is Ivanhoe US’s response, we shall then consider further steps, waiving no rights of course. Please advise.

Kind regards,

A handwritten signature in blue ink, appearing to read "P. Summit", with a long, sweeping horizontal line extending to the right.

Paul E. Summit
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